



Data Protection Policy

Introduction

The purpose of the policy is to identify the records required to be retained by the school and to ensure confidentiality and manageable procedures in relation to access to such records by parents, staff and other stake holders.

Rationale

In addition to its legal obligations under the broad remit of educational legislation, the school has a legal responsibility to comply with the Data Protection Legislation and the GDPR.

A policy on data protection and record keeping is necessary to ensure that the school has proper procedures in place in relation to accountability and transparency.

This policy explains what sort of data is collected, why it is collected, for how long it will be stored and with whom it will be shared. As more and more data is generated electronically and as technological advances enable the easy distribution and retention of this data, the challenge of meeting the school's legal responsibilities has increased.

The school takes its responsibilities under data protection Legislation and the GDPR very seriously and wishes to put in place safe practices to safeguard an individual's personal data. It is also recognised that recording factual information accurately and storing it safely facilitates an evaluation of the information, enabling the principal and board of management to make decisions in respect of the efficient running of the School. The efficient handling of data is also essential to ensure that there is consistency and continuity where there are changes of personnel within the school and board of management.

Details of Arrangements in Place to Ensure Compliance with the Eight Rules of Data Protection

The policy will be implemented to ensure that all personal data records held by the school are obtained, processed, used and retained in accordance with the following eight rules

1. Obtain and process information fairly
2. Keep it only for one or more specified, explicit and lawful purposes
3. Use and disclose it only in ways compatible with these purposes

4. Keep it safe and secure
5. Keep it accurate, complete and up-to-date
6. Ensure that it is adequate, relevant and not excessive
7. Retain it for no longer than is necessary for the purpose or purposes for which it was given
8. Give a copy of his/her personal data to that individual on request.

Purpose of the Policy

The Data Protection Legislation and the GDPR applies to the keeping and processing of *Personal Data*, both in manual and electronic form. The purpose of this policy is to assist the school to meet its statutory obligations, to explain those obligations to school staff, and to inform staff, students and their parents/guardians how their data will be treated.

The policy applies to all school staff, the Board of Management, parents/guardians, students and others (including prospective or potential students and their parents/guardians, and applicants for staff positions within the school) insofar as the school handles or processes their *Personal Data* in the course of their dealings with the school.

Definition of Data Protection Terms

In order to properly understand the school's obligations, there are some key terms which should be understood by all relevant school staff:

Data means information in a form that can be processed. It includes both *automated data* (e.g. electronic data) and *manual data*. *Automated data* means any information on computer, or information recorded with the intention that it be *processed* by computer. *Manual data* means information that is kept/recorded as part of a *relevant filing system* or with the intention that it form part of a relevant filing system.

Relevant filing system means any set of information that, while not computerised, is structured by reference to individuals or by reference to criteria relating to individuals, so that specific information relating to a particular individual is readily, quickly and easily accessible.

Personal Data means data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the Data Controller i.e. the school.

Sensitive Personal Data refers to *Personal Data* regarding a person's:

- Racial or ethnic origin, political opinions or religious or philosophical beliefs
- Membership of a trade union

- Physical or mental health or condition or sexual life
- Commission or alleged commission of any offence or
- Any proceedings for an offence committed or alleged to have been committed by the person, the disposal of such proceedings or the sentence of any court in such proceedings, criminal convictions or the alleged commission of an offence

Data Controller for the purpose of this policy is the Board of Management, Our Lady's Grove. The Board of Management may delegate this function to the Principal.

Aims/Objectives

- To ensure the school complies with legislative requirements
- To clarify the types of records maintained and the procedures relating to making them available to the relevant bodies
- To put in place a proper recording and reporting framework on the educational progress of pupils
- To establish clear guidelines on making these records available to parents and pupils over 18 years of age
- To stipulate the length of time records and reports will be retained

Mission Statement

Within a happy, loving, caring, nurturing, inclusive school, in keeping with the educational philosophy of St. Claudine Thévenet, we strive to meet the emotional, spiritual and moral needs of every child. We strive to provide a consistently high-quality, educational experience enabling the child to develop resilience, reach his/her potential and ultimately grow into a responsible adult.

Guidelines

The Board of Management has delegated the function of controller to the Principal. The Principal shall supervise the application of the Data Protection Legislation and the GDPR within the school.

The data under the control of the Principal comes under the following headings:

Personal Data

This data relates to personal details of the students such as name, address, date of birth, gender, family status, parents'/guardians' place of employment, ethnic origin, nationality, religious belief, medical details, dietary information, PPSN, home telephone and mobile contact details. It also includes the names of

students' parents/guardians. This information is included in the School Enrolment Form. These forms are kept in the Secretary's Office. Information such as name, address, contact numbers and registration numbers on pupils are stored in both hard and soft copy format.

Student Records

Student records outlined below are accessed by each class teacher, SET team, the Secretary, the SEN Coordinator and the Principal. All electronic data is password protected. Laptops are encrypted.

- Personal details of the student (POD), (Databiz)
- School report cards (Databiz)
- Student Support Files (365)
- Attendance Records (Databiz)
- Records of students who have been granted an exemption from Irish (POD) and folders on Deputy Principal's room
- Teacher-designed tests and children's portfolios (Class teacher only)
- Individual Education Plans, Individual Pupil Learning Plans (365) and hard copies
- Learning Support/Resource Data such as records of permissions/refusals to allow children access to LS/RT services in the school (SEN Coordinator)

The following records are the responsibility of the Special Educational Needs Coordinator's (Deputy Principal) Office. During the year they are stored by individual SET teachers in a secure cabinet in their LS rooms, while they work with the children.

- Assessment reports carried out by professionals to assist teaching and learning (psychological reports, psychiatric reports, occupational therapy reports, speech and language reports etc.)
- Learning Summaries, which include results of standardised and screening diagnostic tests
- Individual Education Plans, Individual Pupil Learning Plans and records of meetings with the stakeholders regarding these plans

The following records are stored securely in the Principal's office:

- Child Protection concerns and Tusla referrals
- Minutes of Tusla Child Protection Conferences
- Accident Report Folder detailing injury and treatment applied
- Pupil behaviour records and records of allegations/ incidents of bullying and alleged bullying
- Records kept in line with Children First Procedures (Child Protection)

- Correspondence between parents and teachers
- Staff Data
- BoM Data
- Minutes of monthly Staff Meetings and Leadership & Management Meetings

Administrative Data

- Attendance reports
- Enrolment applications; baptismal certificate copy (where applicable); birth certificate copy, passport copy if necessary
- Administration of Medicines Indemnity Forms
- Late arrivals sign-in record book
- Leaving early sign-out book
- Guest sign-in record book

Board of Management Records

- Name, address and contact details of each member of the Board of Management, such details will be made available to the Congregation of Jesus and Mary, if requested
- Records in relation to appointments to the Board
- Minutes of Board of Management meetings and correspondence to the Board which may include references to particular persons

Access to Records

The following will have access where relevant and appropriate to the data listed above where pupils are identified by name:

- Parents/Guardians
- Past Pupils over 18
- Health Service Executive staff
- TUSLA
- National Educational Psychological Service
- National Education Welfare Board
- Occupational Therapists or Speech Therapists working with pupils
- Designated School Personnel
- Department of Education and Skills (where necessary)

- Primary and Secondary schools (where relevant)
- Our Lady's Grove Board of Management (BoM)

With the exception of child protection-related data, which is governed by “Children First Guidelines and Procedures 2011”, data on attendance, (governed by TUSLA) and data regarding achievements in literacy and numeracy, (governed by National Strategy for literacy and numeracy), parental authorisation must be provided by parents in the event of data being transferred to outside agencies. Outside agencies requesting access to records must do so in writing. Parents/Guardians of current pupils can make such a request in writing. Past pupils and parents of past pupils seeking data must do so in writing.

The Annual School Report format and its communication to parents are outlined clearly to parents. A standardised school report form is used, which is issued by email in June to all parents along with results of standardised testing of pupils from 1st to 6th Classes.

Staff Data

Staff records include name, address, contact details, payroll number, PPSN, qualifications, records of interview procedures, results of interview process, Interview board recommendations to BoM, BoM recommendations to Archbishop, contracts, pension details, references, curriculum vitae, job applications, attendance records, Teaching Council registration, Garda Clearance, Statutory Declaration where necessary, Medical Fitness to Teach. Access is restricted to the Principal and shared with secretary on a need to know basis. These records are kept in the Principal's office. Attendance details are recorded on the Department of Education On-Line Claims system (OLCS) are password protected and are accessed by the secretary, the Principal and reported to the Chairperson of the BoM.

Students' Attendance Records

Pupils' attendance is recorded and stored on the **Databiz** software administration system.

This system is password protected and is accessed by the secretary and the Principal. Teachers can only access their own class records in any given year. These class records are password protected.

Student Records

Student records maintained under the Data Protection Policy will include:

1. **Annual School Report** An annual progress report is issued to each child's parent/guardian at the end of the school year. A copy of this report is available on request to a parent who resides at a different address. These reports are electronically stored on **Databiz**.

2. **Outside Assessments** Reports issued following psychological, occupational therapy, speech & language, medical assessments are securely stored in the Deputy Principal's Office.
3. **Standardised Test Results** Standardised Tests in English and Mathematics are administered in May to all classes from First Class to Sixth Class. Standardised Test results are entered by class teachers and SET team onto Databiz and stored electronically. These results are included in the Annual Summer Report at the end of the school year. Test Booklets are stored securely by the SEN Coordinator for one school year after which they are shredded.
4. **Screening Tests** The MIST (Middle Infant Screening Test) Assessment is administered to all Senior Infant children in February/March of each year. Class record sheets are securely stored by the SEN Coordinator.
5. **Teacher - Designed Tests** Results of teacher designed tests are securely stored by the class teacher.
6. **Diagnostic Test Reports** Diagnostic tests are administered by the Special Education Teachers. Results of assessments are securely stored by the assigned SET teacher and SEN Coordinator.
7. **Special Educational Needs** Classroom Support Plans, School Support Plus Plans and Individual Education Plans will be completed by relevant teachers for children with Special Educational Needs. Copies will be electronically stored on 365 Learning Platform by the relevant Special Education Teachers.
8. **Learning Support Data** such as records of consent/refusal to allow diagnostic testing or access to Learning Support services in the school. These records are securely stored by the SEN Coordinator.
9. **Class Records** Class records are updated regularly. Class record sheets are stored securely in class folders in teachers' classrooms.
10. **Portfolios** of student work e.g. Art, written work are stored securely by the Class Teacher.
11. **Attendance Records** Attendance details are included in school's computerised data management system **Databiz**. Access to **Databiz** is password protected.
12. **Record of Child's Breaches of Code of Behaviour** Incidents of misbehavior on the yard are recorded in the yard book by means of a 'tick system'. At the end of the month children with a 'tick' do not participate in the extra play time. The Principal informs the parents after a child receives three 'ticks'. Our 'tick system' is overseen by the Deputy Principal.
13. **Records of Serious Injuries/Accidents** The accident report folder is securely stored in the Principal's office. The teacher on supervision records details of accidents and injuries sustained and action taken. Such records are signed and dated by supervising teacher and the Principal. Parents are informed immediately.

14. Indemnity Form for Administration of Medicine These forms are retained in a red folder and securely locked in the front office for ease. With parental permission photos of children with severe medical conditions is compiled in September and all the details are coded.

15. Certificates of Exemption from the Study of Irish An exemption from Irish is recorded on POD and an electronic copy of the certificate is securely stored on 365 by the Principal. A hardcopy of the certificate is issued to the parents and a copy is stored securely by the SEN coordinator.

Storage

Records are securely stored in locked cabinets in the Principal and Deputy Principal/SEN Coordinator's offices. Older records are stored in the Archive Room which is always locked and the Principal is the keyholder. Records are stored until the child reaches the age of 25 years. In the case of a child with Special Educational Needs, records are stored permanently. An audit of records will be the responsibility of the Board of Management.

Past Roll Books are stored in the Archive Room. The old Registers are under lock and key in the front office. The Leabhar Tinrimh, Accident Report folder and Incident/Bullying Report folder are secured in the Principal's office. Access to these stored files in the Archive Room is restricted to the Principal, the Deputy Principal, the Assistant Principal and a designated member of the BoM. Computerised record systems are password protected.

Minutes, reports and correspondence relating to the Board of Management are kept in the Principal's office.

Processing in Line with a Data Subject's Rights

Data in this school will be processed in line with the data subject's rights. Data subjects have a right to:

- Know what personal data the school is keeping on them
- Request access to *any data* held about them by a data controller
- Prevent the processing of their data for direct-marketing purposes
- Ask to have inaccurate data amended
- Ask to have data erased once it is no longer necessary or irrelevant

Data Processors

Where the school outsources to a data processor off-site, it is required by law to have a written contract in place. Our Lady's Grove Primary School's third party agreement specifies the conditions under which the data may be processed, the security conditions attaching to the processing of the data and that the data must be deleted or returned upon completion or termination of the contract.

Personal Data Breaches

All incidents in which personal data has been put at risk must be reported to the Office of the Data Protection Commissioner within 72 hours.

When the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, the BoM must communicate the personal data breach to the data subject without undue delay.

If a data processor becomes aware of a personal data breach, it must bring this to the attention of the data controller (BoM) without undue delay. The Chairperson will appoint a member of the BoM to deal with any Personal Data Breaches in his absence.

Providing Information Over the Phone

All members of staff dealing with telephone enquiries are instructed not to disclose personal information held by the school over the phone. Following best practice, the member of staff shall:

- Not disclose personal data over the telephone
- Ask that the caller put their request in writing
- Refer the request to the Principal for assistance in difficult situations

Access to Pupil Records and a Data Access Request

A parent/guardian may apply for access to their records until the child reaches the age of 18 years. A past pupil may apply for access to their own records from the age of 18 years to 25 years. A written application will be required, accompanied by a form of identification and Birth Certificate. Records will be provided within 28 days during the school term. An extension may be required over the holiday period.

No fee may be charged except in exceptional circumstances where the requests are repetitive or manifestly unfounded or excessive. No personal data can be supplied relating to another individual apart from the data subject.

Transfer of Student Records:

An authorisation form must be completed by parents/guardians in the event of data being transferred to outside agencies, including other Primary Schools and Secondary Schools. When a pupil transfers to another Primary School the new school will notify the original school and the original school will transfer records of attendance and educational progress to them. The latest Annual School report is used for this purpose.

CCTV Data Usage

CCTV cameras are in operation at the following points in the school;

1. Entrance at the front of the School
2. Main entrance door at the east side of the school

Use of CCTV images

The use of this CCTV system is intended primarily to ensure the security of the school premises and its contents. The CCTV system may be used to capture images of intruders or of individuals damaging property or removing goods without authorisation.

A sign informing data subjects that the CCTV system is in operation and the contact details of the company engaged in monitoring the CCTV will be displayed at the entrance to the school. Images captured by the CCTV system will be retained on the system for one month. In exceptional circumstances images may be retained where an investigation by An Garda Síochána is ongoing or where such images are the subject of court proceedings.

If the Gardaí want CCTV images for a specific investigation, the data controller will satisfy himself that there is a genuine investigation underway. A phone call to the requesting Garda's station will be sufficient, provided that the data controller speaks to a member in the District Office, the station sergeant or a higher ranking officer, as all may be assumed to be acting with the authority of a District/Divisional officer in confirming that an investigation is authorised.

Any person whose image has been recorded has a right to be given a copy of the information recorded. To exercise that right, a person must make an application in writing. A data controller will charge up to €6.35 for responding to such a request and will respond within 40 days.

Practically, a person must provide necessary information to the data controller, such as the date, time and location of the recording. If the image is of such poor quality as not to clearly identify an individual, that image may not be considered personal data.

In giving a person a copy of his/her data, the data controller may provide a still/series of still pictures, a tape or a disk with relevant images. However, other people's images will be obscured before the data are released.

Success Criteria

- Compliance with Data Protection Legislation, the GDPR and Statute of Limitations Act
- Easy access to records
- Framework in place for ease of compilation and reporting
- Manageable storage of records


Roles and Responsibilities


The school staff, under the direction of the Principal will implement and monitor this policy. The Principal and the Deputy Principal will ensure that records are maintained and securely stored.

Review/Ratification/Communication

*This policy was ratified by the Board of Management on **Tuesday, 4th September 2018.***

It will be subject to review as the need arises.

Signed: 
Chairperson of Board of Management

Signed: 
Principal

Date: 4th September 2018

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